

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:10cv214**

ROBERT D. GADDY, JR.,

Plaintiff,

Vs.

**W. M. YELTON, in his individual and
official capacity; DOUG SHEEHAN, in
his individual and official capacity;
NICHOLAS RYAN MITCHELL, in his
individual and official capacity; ERVIN
HUNTER, in his individual and official
capacity; JIMMY STOVER, in his
individual and official capacity; and
THE CITY OF ASHEVILLE,**

Defendants.

ORDER

THIS MATTER is before the court on defendants' Motion to Stay Initial Attorney's Conference (#23). For cause, defendants have shown that while issues joined when they filed their Answer, defendants later reasserted motions to dismiss contained in such answer in a separate motion and supported such with a memorandum of law, as anticipated by the Local Civil Rules. Finding that it would be more appropriate to resolve the Motion to Dismiss prior to commencement of discovery (inasmuch as the scope of discovery is impacted by the issues joined), and

that plaintiff concurs, the court will grant the stay of the IAC and CIAC.

ORDER

IT IS, THEREFORE, ORDERED that defendants' Motion to Stay Initial Attorney's Conference (#23) is **GRANTED**, and the IAC is **STAYED** until 14 days after final disposition of the Motion to Dismiss by the district court.

Signed: January 28, 2011

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Dennis L. Howell
United States Magistrate Judge

